

Clover Health Partners

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December 29, 2021

VIA EMAIL: GMCB.BOARD@VERMONT.GOV

Kevin Mullin, Chair
Green Mountain Care Board
144 State Street
Montpelier, VT 05602

Re: Waiver Request for CMS Direct Contracting Entity

Dear Chairperson Mullin:

Clover Health Partners, LLC ("CHP," and with its parent companies and affiliates "Clover Health") looks forward to continuing to provide high quality care to Vermonters through its participation as a Direct Contracting Entity ("DCE") in the Centers for Medicare & Medicaid Services' ("CMS") Global & Professional Direct Contracting Model ("Direct Contracting" or the "Model"). To that end, enclosed please find CHP's responses to the Green Mountain Care Board's ("GMCB") "2022 Budget Guidance and Reporting Requirements for Medicare-Only Non-Certified Accountable Care Organizations" ("Reporting Requirements").

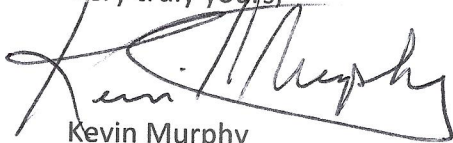
Clover Health is a publicly held health care organization dedicated to improving the quality of life for both providers and patients through the use of its unique and proprietary technology and care coordination program. As such, we request that the GMCB hold confidential certain information submitted in response to the Reporting Requirements; The information is exempt from disclosure under 1 V.S.A. § 317(c). We have enclosed two versions of our responses: (1) A complete preliminary submission; and (2) A redacted preliminary submission, with confidential responses removed. We note that the complete preliminary submission is provided the GMCB for its deliberation of CHP's requests for confidentiality. In this version, each piece of information for which we seek confidentiality is highlighted in blue, accompanied by a comment bubble identifying the reason for confidentiality. Additionally, per guidance of the GMCB's counsel, pending a review of the confidentiality requests, we have not included two exhibits to our responses: (1) Exhibit B: Operating Agreement of CHP; and (2) Exhibit D (D-1 and D-2): Example Provider Agreement Between CHP and its Vermont Providers.

Finally, GMCB Rule 5.404 provides that, while the Board may hold a public meeting concerning the budget information submitted by an ACO, "the Board may decline to hold a hearing concerning a proposed budget submitted by an ACO that is expected to have fewer than 10,000

attributed lives in Vermont during the next Budget Year." CHP requests that GMCB use its authority to decline to hold a public hearing for the 2022 ACO Reporting Requirements. For 2022, CHP expects to have under 2,000 attributed lives in Vermont (significantly fewer than the 10,000 attributed lives requiring a public hearing). Further, as mentioned above and discussed in detail in our preliminary submission, CHP's responses to the Reporting Requirements include non-public financial information, company trade secrets, and other proprietary information. Public disclosure of such information could cause substantial harm to Clover Health and provide an unjust advantage for its competitors.

CHP appreciates the GMCB's commitment to providing high value care to Vermonters and looks forward to the opportunity to continue joining in this effort through our participation in Direct Contracting in Vermont.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Murphy", written over a horizontal line.

Kevin Murphy
Clover Health Partners

Enclosures

cc:

Russ, McCracken, Staff Attorney, Green Mountain Care Board (Russ.McCracken@vermont.gov)
Office of the Health Care Advocate (hca@vtlegalaid.org)